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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,672	11/04/2003	Robin Petravic	61051-60006	6483

25243 7590 02/09/2005

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WASHINGTON, DC 20007

EXAMINER

CRONIN, STEPHEN K

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,672

Applicant(s)

PETRAVIC, ROBIN

Examiner

Stephen K. Cronin

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 21-26, 29, 30 and 32-39 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 8-11, 27, 28 and 31 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10072004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7, 12-18, 20-26, 29, 30, 32-35 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee 5,810,171 in view of Morris et al. 6,464,080.

Lee teaches a buffer system for the walls of a laptop bag, the bag of which has all the structural features of the bag claimed by applicant (see figure 2), in which the buffer 11 consists of springs 5 surrounded by open cell foam 3 and plates 7, 9. Lee however does not teach that the springs 5 can be in the form of one or more leaf springs. Morris teaches a cushioning structure 15' which is to be placed between an electronic device such as a laptop and a protective case (see column 9 lines 40-42) consisting of a leaf spring structure formed from plastic (see column 6 line 1) which may be formed with an interior channel and may be formed of any length necessary to provide the appropriate support for the electronic device. It would have been obvious to one of ordinary skill in the art to modify the buffer system of Lee by replacing the coil springs with one or more leaf springs as taught by Morris since both inventions teach alternative spring structures for cushioning electronic devices, such as a laptop, in a protective case.

As to the limitation in claims 16 and 34 setting forth that the spring is made from a polycarbonate material, it is noted that polycarbonate is a plastic material. Morris teaches that his spring may be manufactured from plastic. To choose polycarbonate as a spring material to arrive at certain cushioning parameters would have been an obvious choice to one of ordinary skill in the art.

3. Claims 19 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee 5,810,171 in view of Morris et al. 6,464,080 as applied to claims 1-4, 7, 12-18, 20-26, 29, 30, 32-35 and 37-39 above, and further in view of Golenz et al. 5,494,157. It is old and well known to form a laptop bag in the form of a backpack (see figure 6 of Golenz) and would have been obvious to form the bag of Lee in this manner.

Allowable Subject Matter

4. Claims 5, 6, 8-11, 27, 28 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen K. Cronin whose telephone number is 571-272-4536. The examiner can normally be reached on M-F 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on 571-272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stephen K. Cronin
Primary Examiner
Art Unit 3727

skc